

## The Atchison Topeka And Santa Fe

Between San Francisco and Chicago  
Via Albuquerque, and Kansas City.

### Sneed Comfort and Elegance

Pullman and Dining Service Unsurpassed.  
Passing through the Grandest Scenery of the West  
F. W. Prince, Agent, 641 Market St. San Francisco Cal

## Sacramento Saloon

ANDY TODD, Prop.

The best of liquid refreshments always on tap, including imported  
and domestic goods.

Good Cigars are a part of our stock.

You never make a mistake at the old corner.

## The Eagle Market

Our Meats are the best, if you are not  
satisfied with the place you are trading  
call on us. Our motto is "The Best."  
A pleased patron means a steady customer

## The Eagle Market

### ANNUAL STATEMENT

| Of The Home Insurance Co. of New York.                 |                  |
|--------------------------------------------------------|------------------|
| Capital (paid up).....                                 | \$ 3,000,000 00  |
| Assets.....                                            | 21,239,952 88    |
| Liabilities, exclusive of capital and net surplus..... | 9,518,551 54     |
| Income                                                 |                  |
| Premiums.....                                          | 8,785,528 49     |
| Other sources.....                                     | 853,478 14       |
| Total income, 1905.....                                | 9,639,006 63     |
| Expenditures                                           |                  |
| Losses.....                                            | 4,240,249 45     |
| Dividends.....                                         | 600,000 00       |
| Other expenditures.....                                | 3,032,720 90     |
| Total expenditures, 1905.....                          | 7,872,970 35     |
| Business, 1905.                                        |                  |
| Risks written.....                                     | 1,330,688,280 00 |
| Premiums thereon.....                                  | 13,244,369 17    |
| Losses incurred.....                                   | 6,137,946 32     |
| Nevada Business                                        |                  |
| Risks written.....                                     | 318,390 00       |
| Premiums received.....                                 | 7,150 53         |
| Losses paid.....                                       | 1,983 84         |
| Losses incurred.....                                   | 1,983 84         |
| A. M. Brutis, Secretary.                               |                  |

### ANNUAL STATEMENT

| Of Business of the Nevada Co. for 1905 |              |
|----------------------------------------|--------------|
| Receipts.....                          | \$132,652 60 |
| Disbursements.....                     | 147,864 57   |
| X. M. Hickey, Cashier                  |              |

### SPECIAL EXCURSION FROM SAN FRANCISCO TO CITY OF MEXICO AND RETURN. DECEMBER 16th, 1905.

A select party is being organized by the Southern Pacific to leave San Francisco for Mexico City, December 16th, 1905. Train will contain five vestibule sleepers and dining car, all the way on going trip. Time limit will be sixty days, enabling excursionists to make side trips from City of Mexico to points of interest. On return trip, stopovers will be allowed at points on the main lines of Mexican Central, Santa Fe or Southern Pacific. An excursion manager will be in charge and make all arrangements. Round trip rate from San Francisco \$50.00.

Pullman berth rate to City of Mexico, \$12.00.  
For further information address Information Bureau, 613 Market street, San Francisco Cal.

For Bargains in toys go to Ward's where every article is cut to cost price.

Dill and sweet pickles, India Relish Chutney Picallilli and Chows, all Heinz goods, best on earth, to be had at Meyers Merc. Co.

### Notice of Application for Permission to Appropriate the Public Waters of the State of Nevada.

Notice is hereby given that on the 12th day of Sept., 1905, in accordance with Section 23, Chapter XLVI, of the Statutes of 1905, one Philip V. Mighels and Frank L. Wildes of Carson, County of Ormsby and State of Nevada, made application to the State Engineer of Nevada for permission to appropriate the public waters of the State of Nevada. Such application to be made from Ash Canyon creek at points in N E 1/4 of S W 1/4 of section 10 T 15 N R 19 E by means of a dam and headgate and five cubic feet per second is to be conveyed to points in N E 1/4 of S W 1/4 of section 11, T 15 N R 19 E, by means of a flume and pipe and there used to generate electrical power. The construction of said works shall begin before June 1, 1906, and shall be completed on or before June 1, 1907. The water shall be actually applied to a beneficial use on or before June 1, 1908.

Signed:  
HENRY THURTELL,  
State Engineer.

### SCHOOL APPORTIONMENT, STATE OF NEVADA,

Department of Education,  
Office of Superintendent of Public Instruction,

Carson City, Nevada, July 11, 1905

To the School Officers of Nevada:

Following is a statement of the second semi-annual apportionment of School Monies for 1905, on the basis of \$6.990202 per census child:

| Counties        | children | Amt.        |
|-----------------|----------|-------------|
| Churchill.....  | 135      | \$ 943 68   |
| Douglas.....    | 317      | 2,215 90    |
| Elko.....       | 1,120    | 7,829 02    |
| Esmeralda.....  | 217      | 1,516 57    |
| Eureka.....     | 389      | 2,719 20    |
| Humboldt.....   | 741      | 5,164 44    |
| Lander.....     | 318      | 2,223 85    |
| Lincoln.....    | 764      | 5,304 66    |
| Lyon.....       | 490      | 3,398 20    |
| Nye.....        | 258      | 1,803 66    |
| Ormsby.....     | 600      | 4,194 33    |
| Storey.....     | 929      | 6,464 25    |
| Washoe.....     | 2,412    | 16,860 35   |
| White Pine..... | 525      | 3,669 85    |
| Total.....      | 9,430    | \$65,917 61 |

Joe Platt has received samples of tailor made suits which are, without doubt the finest ever shown in this city. A number of suits have already been made and they are perfect fits in every case. Get your measure taken and do it before the best samples are gone. He guarantees a fit or no pay.

### IN THE SUPREME COURT OF THE STATE OF NEVADA.

Appealed From the Fourth Judicial District Court, Elko County, Nevada.

The State of Nevada,  
Plaintiff and Respondent,  
against

Paul Lovelace,  
Defendant and Appellant.  
Attorney General James G. Sweeney,  
Attorney for State.  
Wm. Woodburn, Attorney for Appellant.

Defendant appeals from a judgment rendered against him in the District Court in and for Elko County for the crime of burglary; and he assigns two reasons why, as he claims, judgment should be reversed.

First, the insufficiency of the indictment on which the judgment was based; and

Second, the absence of corroboration of the testimony of an accomplice who testified against the defendant.

Under the first head the point made is on the proper interpretation of the following clause in the indictment:

"The said Paul Lovelace on the 11th day of May, 1904, in the night time of said day, or thereabouts, in the County of Elko, State of Nevada, without authority of the law and before the finding of this indictment, did wilfully, unlawfully and burglariously break and enter the building of one Alexander Burrell."

Counsel for defendant in his brief, if an unsigned paper in the usual form of a brief found among the papers in the case as they appear filed in this court, is by us treated as a brief, say:

"Appellant claims that this indictment is not good at common law, because the words 'or thereabouts', relate to and qualify the words 'night time'. This question was not raised in the court below, but is here presented for the first time.

The question is not whether the indictment would be good at common law; it is whether it is good under the statute of Nevada that governs the subject. The subject is governed by the sections following concerning indictments:

Section 4199, Compiled Laws, 1900, provides that the indictment shall contain "..... a statement of the acts constituting the offense, in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended."

Section 4206, Compiled Laws, 1900, has the following: "The words used in an indictment shall be construed in the usual acceptance in common language, except such words and phrases as are defined by law, which are to be construed according to their legal meaning."

Section 4208, Compiled Laws, 1900, provides: "That the act or omission charged as the offense is clearly and distinctly set forth in ordinary and concise language without repetition, and in such a manner as to enable a person of common understanding to know what is intended."

Section 4209 is as follows: "No indictment shall be deemed insufficient, nor shall the trial, judgment, or the proceeding thereon, be affected, by reason of any defect or imperfection in matters of form, which shall not tend to the prejudice of the defendant."

The foregoing enactments show that it was the intention of the legislature of Nevada that in construing indictments the courts should not indulge in a too exact and over-strict view of language; but that certainty to a common intent was all that should be required.

True, in the paragraph of the indictment under discussion, there is something of a departure from the best models of grammatical, rhetorical or linguistic expression. But we think the paragraph meets the requirement of the statute that "the acts constituting the offense should be charged in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended." To hold the indictment not fatally bad is, we think, to keep within the statutory command, as expressed above in section 4206, or at least not to depart too far from such command, to wit, to construe "in the usual acceptance in common language."

We think the defect of the indictment complained of was such as in the language of Section 4209, above quoted was a "defect or imperfection in matter of form, which did not tend to the prejudice of the defendant."

The language of the indictment could doubtless be made more accurate; but we think it is not fatally defective. In brief of Counsel for defendant the following correction is offered:

"If the words 'or thereabouts' had been inserted after the words 'on the 11th day of May, 1904', the indictment could not be the subject of criticism or assault."

Perhaps the following phraseology might be considered an improvement on the phraseology of the indictment: "The said Paul Lovelace did in the night time of the 11th day of May, 1904, or in the night time of some day thereabouts the said 11th day of May, 1904, enter, etc."

Said Paul Lovelace did, in the night time, on or about the 11th day of May, 1904, enter, etc., might perhaps be considered a little better collocation of words, although this is something of a departure from the form suggested in the statute concerning the form of indictments.

That mere grammatical, punctuation (if verbal "free coinage" may be allowed), rhetorical or linguistic error does not always vitiate is fully sustained by decisions of courts and text writers. The following notably excellent authority is cited to sustain this doctrine:

Cyclopedia of Law and Procedure (Cyc.) vol. 6, page 199; and authorities there mentioned.

While this indictment, in the respects mentioned is in truth inartistically drawn, yet under the statutes and the authorities above stated, we cannot say that it is fatally defective. The sections of the statute above quoted show that the legislative intent was that the courts of the State should give interpretations liberal to sustain rather than rigid to overthrow indictments when, as in this case substantial rights of defendants are not thereby prejudiced; and as we have from the authority mentioned seen that even under the common law to overthrow this indictment would seem too rigid an interpretation.

Under the second head the error claimed is stated in the brief of Counsel for defendant as follows:

"On the trial of appellant the deposition of one Ross, taken at the preliminary examination was read in evidence, because he broke jail and escaped before the trial and his presence could not be procured."

"He testified that he and appellant entered the store of Alexander Burrell on the day named in the indictment, stole a lot of amalgam of the value of about \$2400, and buried it a short distance from the scene of the crime. Appellant claims there was no testimony corroborative of that of Ross, and that a conviction could not be had."

In this contention Counsel is, we think, clearly mistaken. Besides minor points of corroboration, not necessary to be mentioned here, the testimony of the witness W. J. Davidson corroborates the testimony of the accomplice Ross. Davidson testifies that the defendant requested him (Davidson) "to help him rob the store at Edgemont," that is the store that was robbed. Davidson further testifies that the defendant "told him he would have got the amalgam if something had not happened"—the amalgam was the article stolen in the robbery. Davidson further testifies that the defendant was trying to dispose of the amalgam, the thing stolen; and asked Davidson this question: "What am I going to do about that damned stuff?"

If this testimony was true, and its truth was a question entirely for the jury, there was corroboration of the testimony of the accomplice Ross.

Defendant fails in sustaining either of his two points urged in argument for the reversal of the judgment.

The judgment is therefore affirmed.

Fitzgerald, C. J.

We Concur:

Talbot, J.

Norcross, J.

Filed January 4, 1906.

### TOURIST EXCURSION PARTIES TO THE EAST.

Over the Scenic Line of the World.

If you are going east and want to save money, yet travel with pleasure and comfort, it will pay you to invest our personally conducted tourist excursions. The parties are in charge of a Manager who accompanies the cars through t o St. Louis, Chicago and the Atlantic Coast and gives his personal attention to the welfare of each passenger in his charge. The schedules are arranged so you pass through the world-famed scenery on the Denver and Rio Grande Railroad by daylight. Opentop Observation cars (something entirely new) are free to all passengers. Let us know where you are going and we will be glad to give you full information about your trip, the lowest rates of fare and send you free of charge some handsome illustrated books of travel.

W. J. SHOTWELL,  
General Agent.

625 Market Street, San Francisco, Cal.

### Cattle and Horses.

The City Marshal gives warning that all loose stock found on the streets from this time on will be impounded. A strict attention to this parties owning stock will take warning ordinance will be enforced and impounding fines will be imposed in every case.

Wm. Kinney,  
Marshal.

LADIES: I make from \$18 to \$30 per week and want all to have the same opportunity. The work is very pleasant and will pay you very handsomely for even your spare time. I speak from experience as I have frequently made \$5.00 in a single day. This is no deception. I want no money and will gladly send full particulars to all. Address,  
MRS. W. W. MITCHELL,  
Box 10, Portland Maine.

### Notice to Hunters.

Notice is hereby given that any person found hunting without a permit on the premises owned by Theodore Winters, will be prosecuted. A limited number of permits will be sold at \$5 for the season or 50 cents for one day.

A. C. WINTERS.

Take a look at the new ties that are being shown at Platt's.

Ward is closing out his \$20.00 stock at a sacrifice. This is an opportunity for Christmas shoppers.

### Liberal Offer.

I beg to advise my patrons that the price of disc records (either Victor or Columbia), to take effect immediately, will be as follows until further notice:

Ten inch disks formerly 70 cents will be sold for 60 cents.

Seven inch records formerly 50c, now 35c. Take advantage of this offer.

C. W. FRIEND.

### ORDINANCE NO. 112.

On Ordinance for the Licensing of Games and Gambling Devices in Carson City.

The Board of Trustees of Carson City do ordain:

Section 1. Each and every person, firm, company, corporation, or association within the limits of Carson City, who shall carry on as agent, manager, owner or proprietor, any game of faro, roulette, rondo, keno, or any other game not prohibited by the statutes of the State of Nevada, or who shall carry on or operate any nickel-in-the-slot-machine, or who shall carry on or conduct any banking game played with cards, dice or other device, whether the same be played with money, checks, credit or any other valuable thing or representative of value, shall pay for and obtain a city license to carry on such game, and shall pay for each license twenty-five dollars (\$25.00) per month provided that when more than one of said games are carried on in the same room or apartment, whether by the same or different owners, each game so carried on shall be separately licensed; and provided further, that the license imposed by this Ordinance is for the revenue only, and not for the purpose of prohibition, suppression or regulation.

Section 2. The provisions of this Ordinance shall apply to all time on and after October 1, 1905.

Section 3. Ordinance Number 53 and all other ordinances or parts of Ordinances in so far as they conflict with the provisions of this Ordinance are hereby repealed.

President of the Board of City Trustees of Carson City, Nevada.

Attest:

H. B. Van Etten, Clerk.

### OFFICIAL COUNT OF STATE FUNDS.

#### STATE OF NEVADA.

##### County of Ormsby, s. s.

W. G. Douglas, and James G. Sweeney, being duly sworn, say they are members of the Board of Examiners of the State of Nev., that on the 29th day of Jan. '05 they, (after having ascertained from the books of the State Controller the amount of money that should be in the Treasury) made an official examination and count of the money and vouchers for money in the State Treasury of Nevada and found the same correct as follows:

Cash \$288,280 74  
Paid coin vouchers not returned to Controller 111,112 18

Total 399,392 92

#### State School Fund Securities.

Irredeemable Nevada State

School bond 389,000 00

Mass. State 3 per cent

bonds 537,000 00

Nevada State Bonds 253,700 00

Mass. State 3 1/2 per cent

bonds 212,000 00

United States Bonds 215,000 00

Total 2,098,992 92

W. G. Douglas

James G. Sweeney

Subscribed and sworn before me this

29th day of January, A. D. 1906.

J. Doane

Notary Public, Ormsby County, Nev.

### ANNUAL STATEMENT

#### Of The State Life Insurance Company

##### Indianapolis, Ind.

Capital (paid up)..... none

Assets (admitted)..... 3,160,083 81

Liabilities, exclusive of capital and net surplus..... 2,615,497 63

Income

Premiums..... 2,016,907 77

Other sources..... 197,125 01

Total income, 1904..... 2,214,032 78

#### Expenditures

Losses..... 300,902 63

Dividends..... 65,240 11

Other expenditures..... 1,950,102 76

Total expenditures, 1904..... 1,416,245 56

#### Business, 1904

Risks written..... 23,276,143 00

Premiums thereon..... 805,648 06

Losses incurred..... 316,885 00

#### Nevada Business.

Risks written..... 10,000 00

Premiums received..... 2,852 43

Losses paid..... 5,000 00

W. S. Wynn Secretary.

New lines of footwear arrived daily at Ed. Burlington's Shoe Store. He has been considerably hampered by delay in freight but is now arriving daily. You will find the best and best lines of shoes tried in his store and prices are always the lowest. You can save money by purchasing footwear at his store.

### Quarterly Report.

#### OFFICE COUNTY AUDITOR

##### Ormsby County, Nevada.

To the Honorable, the Board of County Commissioners, Gentlemen:

In compliance with the law, I herewith submit my quarterly report showing receipts and disbursements of Ormsby County, during the quarter ending Dec. 30, 1905.

#### Receipts.

Balance in County Treasury at end of last quarter.....\$40023 36 1/2

County licenses.....4,701 05

Gaming licenses.....1057 50

Liquor licenses.....310 20

Fee of Co. officers.....531 40

Rent of county bldg.....250 00

Poll taxes.....620 40

1st. Instalment taxes.....14924 21 1/2

Special school tax.....1710 90 1/2

Slot machine license.....282 00

Cigarette license.....42 30

Semi-Annual Set. State Treas 531 78

Delinquent taxes.....23 80 1/2

Sale of horse.....10 00

Sale of pumkin.....13 00

Keen of W. Bowen.....45 00

Total.....61,077 36 1/2

#### Disbursements.

State fund.....6692 82 1/2

General fund.....2732 32

Salary fund.....2390 00

Ag. Assn. Bond Fund, Series A, \$100.00.....250 00

Ag. Assn. Bond Fund, Series B, \$100.00.....400 00

Co. School Fund, Dist. 1.....388 95